



January 26, 2007

## SENATE BILL No. 434

DIGEST OF SB 434 (Updated January 24, 2007 4:27 pm - DI 110)

**Citations Affected:** IC 9-17.

**Synopsis:** Retirement of manufactured home titles. Requires a person who owns a manufactured home that is personal property, not held for resale, or not attached to real estate by a permanent foundation to obtain a certificate of title for the manufactured home. (Current law requires a certificate of title for manufactured homes whether owned as personal property or real property.) Requires an application for: (1) a certificate of title; and (2) an affidavit of transfer to real estate; to include a manufacturer's serial number, a federal certification number, and a unique vehicle identification number if the numbers are available. Provides that the bureau of motor vehicles (bureau) may issue a certificate of title or an affidavit of transfer to real estate even if the numbers are not available. Provides that the bureau may adopt rules to require additional information in an application for a certificate of title. Repeals and relocates a provision requiring an affirmation of correctness by an applicant for a certificate of title. Provides that a person need not hold a certificate of title or a certificate of origin to apply for an affidavit to transfer a manufactured home to real estate. Requires the bureau to adopt rules concerning the issuance of an affidavit to transfer a manufactured home to real estate. Provides that a conversion of a manufactured home to real estate by the bureau is not required for the assessment of the manufactured home as real property.

**Effective:** July 1, 2007.

### Weatherwax

January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.  
January 25, 2007, amended, reported favorably — Do Pass.

SB 434—LS 7171/DI 103+



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January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 434

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-17-6-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who owns a  
3 manufactured home **that is:**

4 **(1) personal property;**

5 **(2) not held for resale; or**

6 **(3) not attached to real estate by a permanent foundation;**

7 shall obtain a certificate of title for the manufactured home under this  
8 chapter.

9 SECTION 2. IC 9-17-6-2 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2007]: Sec. 2. A person applying for a  
11 certificate of title under this chapter must submit an application on a  
12 form furnished by the bureau that contains the following information:

13 **(1) A full description of the manufactured home.**

14 **(2) A statement of the person's title and of any lien or**  
15 **encumbrance upon the manufactured home.**

16 **(3) The following printed statement:**

17 **"I swear or affirm that the information that I have entered**

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on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).

(5) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

(C) A unique vehicle identification number assigned by the bureau to the manufactured home.

The bureau may issue a certificate of title for a manufactured home under this chapter even if the numbers described in this subdivision are not available.

~~(3)~~ (6) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 3. IC 9-17-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.1. (a) A person who:

(1) holds a certificate of title ~~or for~~;

(2) holds a certificate of origin for; or

(3) otherwise owns as an improvement;

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau.

(b) An application for an affidavit of transfer to real estate must contain the following:

(1) A full description of the manufactured home, including:

(A) ~~the legal~~ a description; and

(B) the parcel number;

of the real estate to which the manufactured home is attached.

~~(2) The:~~

(A) certificate of title for the manufactured home; including a notation of any lien or encumbrance on the manufactured home; or

(B) manufacturer's certificate of origin for the manufactured home; if a certificate of title has not been issued for the manufactured home; along with:

(i) an application for a certificate of title under section 2 of this chapter; and

(ii) any appropriate fee under IC 9-29-4 and any appropriate

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service charge under IC 9-29-3.

(2) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

(C) A unique vehicle identification number assigned by the bureau to the manufactured home.

The bureau may issue an affidavit of transfer to real estate under this chapter even if the numbers described in this subdivision are not available.

(3) An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.

(4) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(5) The signature of the person applying for the affidavit directly under the statement set forth in subdivision (4):

(6) Any other information required by the bureau:

(c) The bureau shall certify information regarding the title of the manufactured home on the affidavit of transfer to real estate:

(c) The bureau shall adopt rules under IC 4-22-2 to implement this section.

SECTION 4. IC 9-17-6-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.3. Upon receipt from the person filing the affidavit of transfer to real estate, with the accompanying **retired** certificate of title, **if available**, the recorder of the county in which the manufactured home is located shall record the affidavit in the manner required by IC 36-2-11-8, provided that the auditor of the county has performed the endorsement required by IC 36-2-9-18.

SECTION 5. IC 9-17-6-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.5. The filing in the appropriate county recorder's office of the affidavit of transfer to real estate with the **retired** certificate of title, **if available**, is deemed a conversion of the manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located. **However, a conversion under this section is not required for the assessment of a manufactured home that is**

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1 attached to real estate by a permanent foundation as real property  
2 for purposes of IC 6-1.1.

3 SECTION 6. IC 9-17-6-3 IS REPEALED [EFFECTIVE JULY 1,  
4 2007].

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## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "as" and insert "**that is:**

**(1)**".

Page 1, line 3, after "property" insert ";

**(2) not held for resale; or**

**(3) not attached to real estate by a permanent foundation;**".

Page 1, line 3, beginning with "shall" begin a new line blocked left.

Page 1, line 9, after "home" delete "," and insert ".".

Page 1, line 9, delete "including:".

Page 1, delete 10 through 15.

Page 2, between line 7 and 8, begin a new line block indented and insert:

**"(5) The following numbers, if the numbers are available:**

**(A) A unique serial number assigned by the manufacturer to the manufactured home.**

**(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.**

**(C) A unique vehicle identification number assigned by the bureau to the manufactured home.**

**The bureau may issue a certificate of title for a manufactured home under this chapter even if the numbers described in this subdivision are not available."**

Page 2, line 8, delete "(5)" and insert "**(6)**".

Page 2, line 19, reset in roman "the following:".

Page 2, line 20, reset in roman "(1) A full description of the manufactured home,".

Page 2, line 20, delete "including" and insert "including:

**(A)**".

Page 2, line 21, after "legal" insert "**a**".

Page 2, line 21, delete "description" and insert "description; **and**

**(B) the parcel number;**".

Page 2, line 21, beginning with "of" begin a new line block indented.

Page 2, line 21, reset in roman "of the real estate to which the manufactured".

Page 2, line 22, reset in roman "home is attached."

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Page 2, between lines 33 and 34, begin a new line block indented and insert:

**"(2) The following numbers, if the numbers are available:**

**(A) A unique serial number assigned by the manufacturer to the manufactured home.**

**(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.**

**(C) A unique vehicle identification number assigned by the bureau to the manufactured home.**

**The bureau may issue an affidavit of transfer to real estate under this chapter even if the numbers described in this subdivision are not available."**

Page 2, line 34, reset in roman "(3)".

Page 2, line 34, delete "an" and insert "An".

Page 3, line 9, after "title," insert "if available,".

Page 3, line 16, after "title" insert ", if available,".

and when so amended that said bill do pass.

(Reference is to SB 434 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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